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Washington, Wednesday, April 20, 1938

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

INSPECTION OF INCOME, EXCESS-PROFITS, AND CAPITAL STOCK TAX RETURNS BY THE SPECIAL COMMITTEE TO INVESTIGATE LOBBYING ACTIVITIES, UNITED STATES SENATE

By virtue of the authority vested in me by section 257 (a) of the Revenue Act of 1926 (44 Stat. 9, 51); section 55 of the Revenue Act of 1934 (48 Stat. 680, 698); sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019); and section 55 of the Revenue Act of 1936 (49 Stat. 1648, 1671), it is hereby ordered that income, excess-profits, and capital stock tax returns made under the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, and the Revenue Act of 1936 as amended by the Revenue Act of 1937, shall be open to inspection by the Special Committee to Investigate Lobbying Activities, United States Senate, or any duly authorized subcommittee thereof, for the purpose of, and to the extent necessary in, the investigation of lobbying activities in connection with the so-called "holding company bill", or any other matter or proposal affecting legislation which such committee or subcommittee is authorized and directed to make by Senate Resolution 165, passed July 11, 1935 (Seventy-fourth Congress, first session); such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of returns by that committee, approved by me this date.

This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 18, 1938.

[No. 7869]

[F. R. Doc. 38-1113; Filed, April 19, 1938; 12 m.]

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4800]

REGULATIONS GOVERNING THE INSPECTION OF INCOME, EXCESS-PROFITS AND CAPITAL STOCK TAX RETURNS MADE UNDER THE REVENUE ACT OF 1935, AS AMENDED, THE REVENUE ACT OF 1936, AND THE REVENUE ACT OF 1936, AS AMENDED, BY THE SPECIAL COMMITTEE TO INVESTIGATE LOBBYING ACTIVITIES, UNITED STATES SENATE

APRIL 9, 1938.

Collectors of Internal Revenue and Others Concerned:

Pursuant to the provisions of section 257 (a) of the Revenue Act of 1926; section 55 of the Revenue Act of 1934; sections 105 (e) and 106 (c) of the Revenue Act of 1935; and section 55 of the Revenue Act of 1936, income tax returns made under the Revenue Act of 1936, and the Revenue Act of 1936, as amended, and capital stock and excess-profits tax returns made under the Revenue Act of 1935, as amended, may be inspected by the Special Committee to Investigate Lobbying Activities, United States Senate, or any duly authorized subcommittee thereof, for the purpose of, and to the extent necessary in the investigation of lobbying activities in connection with the so-called "holding company bill", or any other matter or proposal affecting legislation, which the committee or an authorized subcommittee thereof is authorized and directed to make by Senate Resolution 165 (Seventy-fourth Congress, first session), passed July 11, 1935.

The inspection of returns herein authorized may be by the committee or a duly authorized subcommittee thereof, acting directly as a committee or a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written notice by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof, which is relevant or pertinent to the purpose of the investigation, may be submitted by the committee or the subcommittee to the Senate.

[SEAL]

ROSWELL MAGILL,
Acting Secretary of the Treasury.

Approved:

FRANKLIN D ROOSEVELT
The White House, April 18, 1938.

[F. R. Doc. 38-1121; Filed, April 19, 1938; 2:37 p. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

[No. 8]

OWYHEE PROJECT—OREGON-IDAHO

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES[1]

MARCH 28, 1938.

Announcement is hereby made that water will be furnished during the irrigation season of 1938 (from April 15 to October 15, inclusive) for the irrigation of project lands,

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

FEDERAL REGISTER

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hereinafter described, upon a water rental basis, at rates and upon terms following:

For lands in the Owyhee and Kingman Colony irrigation districts—now in process of merging:

For lands in the Kingman Colony District and for privately owned and entered lands under the North Canal in the Owyhee District, a minimum charge of one dollar ($1.00) per irrigable acre whether irrigated or not, payable by the district in advance of the delivery of any water, for which amount two and six-sevenths (2⅔) acre-feet of water per acre will be furnished. Thirty-five cents ($0.35) per acre-foot will be charged for any additional water furnished to any tract or farm unit in excess of two and six-sevenths (2⅔) acre-feet per irrigable acre, payable by the district December 1, 1938.

For lands under the South Canal in the Owyhee Irrigation District, a minimum charge of one dollar ($1.00) per acre for the lands actually irrigated, payable by the district in advance of the delivery of water, for which amount two and six-sevenths (2⅔) acre-feet of water per acre will be furnished. Thirty-five cents ($0.35) per acre-foot will be charged for any additional water furnished, payable by the district December 1, 1938.

Water for the Owyhee and Kingman Colony irrigation districts will be delivered and measured at the nearest tap and weir to the individual farm.

For lands in the Ontario-Nyssa Irrigation District:

A minimum charge of five thousand two hundred fifty dollars ($5,250) for fifteen thousand (15,000) acre-feet of water, payable by the district in advance of the delivery of any water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on December 1, 1938. Water for the Ontario-Nyssa Irrigation District will be delivered into the Ontario-Nyssa canal at the head and at a feeder near the oil well and at other points mutually agreed on by the district and the Bureau of Reclamation.

For lands in the Advancement Irrigation District:

A minimum charge of one dollar ($1.00) per irrigable acre for two and six-sevenths (2⅔) acre-feet per acre per annum, payable by the district for each irrigable acre contained therein, in advance of the delivery of any water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on December 1, 1938.

Water for the Advancement Irrigation District to be measured at the outlets of the North and South Advancement pumps.

For lands in the Payette-Oregon Slope, Bench, and Crystal Irrigation districts:

A minimum charge of one dollar ($1.00) per irrigable acre for two and six-sevenths (2⅔) acre-feet per acre per annum payable by the respective districts for each irrigable acre contained therein in advance of delivery of any water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the respective districts on December 1, 1938.

Water for the Payette-Oregon Slope, Bench, and Crystal irrigation districts will be delivered and measured at the nearest tap and weir to the individual farms.

For lands in the Slide Irrigation District:

If the reorganization of the Slide Irrigation District is completed, then water may be furnished to the lands of the

district if and when available, depending on the progress of construction.

A minimum charge of one dollar ($1.00) per acre for the lands actually irrigated for two and six-sevenths (2⅔) acre-feet per acre per annum and payable by the district in advance of delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district December 1, 1938.

For lands in the Gem Irrigation District:

For old lands in the district, a minimum charge of three thousand five hundred dollars ($3,500) for ten thousand (10,000) acre-feet, payable by the district in advance of delivery of any water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on December 1, 1938.

For new lands in the district, water will be furnished if and when available, depending on the progress of construction, at a price of thirty-five cents ($0.35) per acre-foot for water furnished, payable by the district when ordered.

Water for the old lands of the Gem District will be delivered into the A and D canals at the various constructed feeders and measured at these points.

Water for the new lands will be delivered and measured at the nearest tap and weir to the individual farms.

In determining the amount of water delivered on which rental charges will be based, in the case of the Ontario-Nyssa and the old lands of the Gem Irrigation District, deduction of ten per cent (10%) will be made from the amounts measured at points of delivery to the respective districts as an allowance for losses in the district canals operated by district forces.

Applications for water on the basis of this public notice will be received at the office of the United States Bureau of Reclamation at Boise, Idaho, P. O. Box 937, and payments shall be made to that office.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 38-1109; Filed, April 19, 1938; 9:41 a. m.]

[No. 49]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES [1]

MARCH 28, 1938.

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.*—The annual operation and maintenance charge for the irrigation season of 1938, and thereafter until further notice, against all lands of the Reservation Division of the Yuma Irrigation project, Arizona-California, under public notice, shall be a minimum of two dollars and fifty cents ($2.50) per irrigable acre, whether water is used or not, which charge shall permit the delivery of not to exceed 5 acre-feet of water per acre on certain sandy areas shown on the list attached to public notices No. 31 dated April 14, 1931, No. 40 dated March 1, 1935, No. 43 dated February 17, 1936, and No. 47 dated March 5, 1937, and as amended by the list attached to this public notice, and of not to exceed 4 acre-feet of water per acre on all other lands of this division; additional water shall be furnished at the rate of one dollar ($1.00) per acre-foot. Where, in the opinion of the superintendent, it may be done without interference with other project requirements, upon written request filed in advance by the water users, water for reclaiming lands by the washing out of alkali, either by the usual leach methods or by growing rice or similar crop, will be furnished free of charge; and water in excess of the minimum amount herein provided, which is to be used for the growing of fertilizer crops of no commercial value or which is to be used for the purpose of depositing silt upon the land, shall be furnished free of charge. All lands for which free water was served during the year 1937 will not again be served free water for the same area until evidence satisfactory to the project superintendent has been made that the water so granted free of charge during the year 1937 was applied to the land in sufficient quantities over a period of not less than 3 months, in which event water shall again be served free of charge provided the results accomplished during the preceding irrigation season were not satisfactory. All operation and maintenance charges shall be due and payable on March 1 of each year for the preceding irrigation season to the Agent-Cashier, Bureau of Reclamation, Yuma, Arizona.

2. *Annual water rental charges for other lands, Reservation Division.*—Lands not under public notice that can be irrigated from the present distribution system without further construction expense by the Bureau may secure irrigation water under water rental contracts at a rate of two dollars and fifty cents ($2.50) per irrigable acre, which charge will permit the delivery of not to exceed 4 acre-feet of water per acre, and additional water will be furnished at the rate of one dollar ($1.00) per acre-foot. All charges due under water rental contracts are payable in advance of the delivery of water. The minimum charge as specified shall be paid before any water is delivered during the current or subsequent seasons and all additional or excess water over the minimum of 4 acre-feet shall be paid for when ordered and prior to delivery. Refund will be made for excess water paid for but not used.

3. *Annual water rental charge for lands in the Valley Division not under public notice.*—Lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States may secure irrigation water during the calendar year 1938 and until further notice under water rental contracts at a rate of three dollars ($3.00) per irrigable acre, which charge will permit the delivery of four acre-feet per acre. Additional water furnished will be charged for at the rate of one dollar ($1.00) per acre-foot, payable in advance of delivery. All town lots that can be served under the present system may secure water under annual water rental contracts at the rate of five dollars ($5.00) a lot and one dollar ($1.00) for each additional lot in the same ownership, considering the maximum lot to be not over sixty (60) feet in width. All payments under water rental contracts are due and payable in advance of the delivery of water to the Agent-Cashier, Bureau of Reclamation, Yuma, Arizona.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary.

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

LIST OF SANDY AREAS

[To accompany Public Notice No. 49, dated March 28, 1938]

T. 16 S., R. 23 E., S. B. M., California:

Section	Farm unit or description	Acres
9	"J"	14

[F. R. Doc. 38-1110; Filed, April 19, 1938; 9:42 a. m.]

Division of Grazing.

NEW MEXICO GRAZING DISTRICT NO. 4

MODIFICATION

APRIL 15, 1938.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and con-

ditions therein contained, the Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 4, is hereby modified to include within its exterior boundaries the following-described land:

NEW MEXICO

New Mexico Principal Meridian

T. 19 S., R. 4 E., secs. 1, 2, and 3, E½ secs. 4 and 9, secs. 10 to 15 inclusive, E½ secs. 16 and 21, secs. 22 to 27 inclusive, E½ sec. 28, N½, SE¼ sec. 34, secs. 35 and 36.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended,[1] shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the FEDERAL REGISTER.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 38-1108; Filed, April 19, 1938; 9:40 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF ELIGIBILITY FOR PAYMENT WITH RESPECT TO ABANDONMENT AND CROP DEFICIENCY FOR FARMS IN THE DOMESTIC BEET SUGAR AREA

Pursuant to the provisions of Section 303 of the Sugar Act of 1937, I, M. L. Wilson, Acting Secretary of Agriculture, hereby determine:

1. That the State Agricultural Conservation Committee for each state in which sugar beets were planted for harvest in 1937 shall determine the counties or local producing areas, as hereinafter defined, in which the actual yields of commercially recoverable sugar from the acreage planted to sugar beets for harvest in 1937 on 10 per centum or more of all the farms in the county or local producing area are less than 80 per centum of the respective normal yields of commercially recoverable sugar for such farms because of drought, flood, storm, freeze, disease, or insects.

2. That the State Agricultural Conservation Committee for each such state shall approve for abandonment and deficiency payments, in accordance with the provisions of Section 303 of the said Act, any farm in any such county or local producing area if the farm has otherwise met the conditions of Title III of the said Act.

3. That a "local producing area" for purpose of paragraph one above shall be all contiguous farms in the county which are found by the State Agricultural Conservation Committee to be similar with respect to types of soil, or with respect to topography: *Provided, however,* That farms separated from other farms by any natural boundary or barrier (such as mountains, rivers, or large areas of land) shall not be included within the same local producing area.

4. That approval on behalf of the State Agricultural Conservation Committee of Section VI of form SB-110, "Application For Payment, 1937 Sugar Beet Program," shall constitute determination, pursuant to paragraphs one and two hereof, that the farm covered by the application is, if otherwise eligible for payment pursuant to Title III of said Act, also eligible for abandonment and deficiency payments pursuant to Section 303 of said Act.

Done at Washington, D. C., this 19th day of April, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 38-1111; Filed, April 19, 1938; 11:59 a. m.]

[1] 1 F. R. 843, 1995, 2 F. R. 289, 1013, 1093 (DI).

DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE FROM THE 1937 CROP OF SUGARCANE IN THE MAINLAND CANE SUGAR AREA

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, I, M. L. Wilson, Acting Secretary of Agriculture, do hereby determine that the amount of sugar commercially recoverable from the sugarcane grown on a farm in the mainland cane sugar area and marketed (or processed by the producer) for the extraction of sugar during the 1937-38 crop season shall be:

1. For sugarcane in localities in which settlement for purchased cane is based on sucrose content of the normal juice, the product of the number of short tons of sugarcane, not in excess of the proportionate share for the farm, multiplied by the number of hundredweights of sugar, raw value, applicable for the average percentage of sucrose in the normal juice of such sugarcane (computed to the nearest one-tenth of one per cent), as set forth in the following table:

Percentage of sucrose in normal juice	Hundredweights of sugar, raw value, commercially recoverable per ton of sugarcane [1]
5.0	0.456
6.0	.589
7.0	.744
8.0	.906
9.0	1.074
10.0	1.273
11.0	1.450
12.0	1.607
13.0	1.767
14.0	1.930
15.0	2.095
16.0	2.262
17.0	2.431
18.0	2.603
19.0	2.776
20.0	2.951

[1] Sugar recoverable for the intervening tenths of 1 per cent shall be calculated by straight interpolation.

2. For sugarcane in localities in which settlement for purchased cane is based on sucrose content of the crusher juice, the product of the number of short tons of sugarcane, not in excess of the proportionate share for the farm, multiplied by the number of hundredweights of sugar, raw value, applicable for the average percentage of sucrose in the crusher juice of such sugarcane (computed to the nearest one-tenth of one per cent), as set forth in the following table:

Percentage of sucrose in crusher juice	Hundredweights of sugar, raw value, commercially recoverable per ton of sugarcane [1]
5.0	0.738
6.0	.886
7.0	1.033
8.0	1.181
9.0	1.328
10.0	1.476
11.0	1.623
12.0	1.771
13.0	1.918
14.0	2.067
15.0	2.214
16.0	2.362
17.0	2.509
18.0	2.657
19.0	2.804
20.0	2.951

[1] Sugar recoverable for the intervening tenths of 1 per cent shall be calculated by straight interpolation.

Done at Washington, D. C. this 19th day of April 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
Acting Secretary.

[F. R. Doc. 38-1112; Filed, April 19, 1938; 11:59 a. m.]

[Puerto Rico Sugar Order No. 10]

Decision and Order of Secretary of Agriculture Allotting the Direct-Consumption Portion of the 1938 Sugar Quota for Puerto Rico

General Sugar Quota Regulations, Series 5, No. 1, issued by the Secretary of Agriculture on December 20, 1937,[1] pursuant to the Sugar Act of 1937 (hereinafter referred to as the "act"), provides that the 1938 Puerto Rican sugar quota for shipment to the continental United States may be filled by shipments of direct-consumption sugar not in excess of 126,033 short tons, raw value.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within any area's quota. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulations prescribe. On December 31, 1937, the Secretary issued a notice of a public hearing to be held in Washington, D. C., on January 14, 1938,[2] for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the Puerto Rican sugar quotas among interested persons and such other evidence as might be pertinent to the exercise of the powers vested in the Secretary under section 205 (a) of the act.

Section 205 (a) of the act requires a preliminary finding of the Secretary as a condition precedent to the calling of a hearing. This preliminary finding may be changed or modified on the basis of the record obtained at the hearing. The Notice of Hearing and Designation of Presiding Officers issued by the Secretary on December 31, 1937, provided in part as follows:

"Pursuant to the authority contained in Section 205 (a) of the Sugar Act of 1937 (Public, No. 414, 75th Congress) and on the basis of the information now before me, I, H. A. Wallace, Secretary of Agriculture, do hereby find that the allotment of the 1938 sugar quota for Puerto Rico for shipment to the continental United States (including the portion which may be filled by direct-consumption sugar, pursuant to section 207 (b) of said act) and the 1938 sugar quota for Puerto Rico for local consumption, established pursuant to section 202 and 203, respectively, of the said act is necessary to prevent disorderly marketing and importation of such sugar * * *."

The hearing was held at Washington, D. C., on the date specified in the notice. No evidence was presented at the hearing held on January 14, 1938, which in any way indicated that the preliminary finding of the Secretary should not be confirmed. The preliminary finding was based upon information which the Secretary had to the effect that Puerto Rican processors were in a position to manufacture and make available for market a potential supply of approximately 400,000 tons of direct-consumption sugar during the calendar year 1938. The evidence presented at the hearing indicated a plant capacity of 402,000 tons for all processors in Puerto Rico. The total amount of such sugar which may be shipped to continental United States under the act is limited to 126,033 short tons. Under these conditions, it is probable that, without allotment of the direct-consumption portion of the quota, more raw sugar would be processed into direct-consumption sugar than can be shipped to the continental United States during any calendar year. This would result in disorderly marketing of sugar.

Section 205 (a) of the act provides in part that:

Allotments shall be made in such manner and in such amounts as to provide a fair, efficient and equitable distribution of such quota, or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; or the ability of such person to market or import that portion of such quota or proration thereof allotted to him.

The first standard stated above for the Secretary to use in making allotments, namely, processings to which proportionate shares established under section 302 (b) of the act pertain, is inapplicable to the allotment of that portion of the quota which may be filled by direct-consumption sugar.

The other two standards given in the act, namely, "past marketings" and "ability * * * to market", are applicable and should both be used in making individual allotments, in order to provide a fair, efficient, and equitable distribution of the portion of the quota under discussion.

In determining "ability * * * to market", it in apparent that mill capacity alone cannot be taken as an accurate measure. That factor represents only a potential ability to produce sugar, dependent upon a number of other factors, such as the availability of raw sugar, the price of raw materials, transportation costs, and similar factors. An additional factor must be used in order to arrive at a true measure of ability to market. It is believed that the ratios of each processor's current marketings of sugar to the total of such marketings should be considered and given equal weight with the ratios of each processor's mill capacity to the total mill capacity for all processors. Since the hearing was held on January 14, 1938, it would be possible to take 1937 marketings as indicating the processor's current ability to market, but this method would be unfair to processors marketing direct-consumption sugar for the first time in 1938. In order, therefore, to be fair to both new and old processors, and in order to obtain as accurate a measure of present ability to market as possible, it is necessary to take marketings of direct-consumption sugar during the present calendar year. During the first three months of the current year, no allotment order was in effect and processors were not restricted in their shipments of direct-consumption sugar to the United States, and since there was reason to believe that allotments would be made, processors had an incentive to hasten shipments prior to the making of such allotments. Hence the official data of the Department showing actual entries against such quota during the period from January 1, 1938, to March 22, 1938 (the date of final preparation of Puerto Rico Sugar Order No. 9), are believed to constitute a necessary factor in determining actual ability to market sugar. This factor, along with that of mill refining capacity, is therefore deemed to be a fair measure of the present ability to market sugar.

Of the processors appearing at the hearing, all presented testimony bearing on the operating capacity of their respective mills. The testimony in this respect may be summarized as follows: [1]

Porto Rico American Sugar Refinery: 700 tons per day, or, on the basis of 300 operating days per year, 210,000 tons per annum (pp. 62 and 82 of record).

Central Aguirre Sugar Company: 8,000 to 9,000 tons per annum (p. 125 of record).

Central Guanica: 50,000 tons per annum (p. 128 of record).

Central Igualdad: 225 tons per day, or, on the basis of 300 operating days per year, 67,500 tons per annum (p. 77 of record).

Central Roig: 200 tons per day (pp. 170 and 174 of record).

The actual shipments of direct-consumption sugar to the continental United States between January 1, 1938, and March 22, 1938, as shown by official records of the Department of Agriculture, are as follows: [2]

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[1] 2 F.R. 3367 (DI).

[2] 3 F.R. 2 (DI).

[1] No testimony was given on behalf of Central Carmen and Central San Francisco.

[2] These figures are taken from forms (Form SS-3) which importers, under regulations of the Secretary of Agriculture, are required to execute under oath and file with Collectors of Customs. The completed forms showing the kind of sugar, amount, and other pertinent data are forwarded by the Collectors of Customs to the Department of Agriculture.

	Short Tons Raw Value
Porto Rico American Sugar Refinery	46,866
Central Aguirre	1,970
Central Carmen	------
Central Guanica	------
Central Igualdad	1,124
Central Roig	8,070
Central San Francisco	795

In determining "past marketings" for processors which have shipped direct-consumption sugar to the continental United States, it is believed that the years 1935, 1936, and 1937 should be used, since they are years during which a quota system was in effect and, consequently, are believed to be fair and reasonable under a restrictive program such as that provided for under the present and prior sugar legislation.

The testimony as to the past marketings of Porto Rico American Refinery and Central Aguirre may be summarized as follows: [1]

	Short tons, raw value		
	1935	1936	1937
Puerto Rican-American Sugar Refinery [1]	116,611	109,942	99,227
Central Aguirre [2]	2,600	2,350	5,460

[1] P. 60 of record.
[2] P. 126 of record.

The witness testifying on behalf of Central Guanica stated that it was given an allotment in 1935 but did not fill that allotment by "a substantial amount" (p. 130 of record). The official records of the Department show that Central Guanica shipped only 1,015 short tons, raw value, of direct-consumption sugar in 1935 and none in either of the other two years, 1936 and 1937.

The witness testifying on behalf of Central Roig stated that the company shipped 16,210 [2] short tons in 1937 (p. 181 of the record). No testimony was offered as to other years, but the official records of the Department show that Central Roig shipped 2,778 short tons, raw value, in 1936 and none in 1935.

Central Igualdad, Central Carmen, and Central San Francisco offered no testimony in regard to past marketings of direct-consumption sugar. However, the official records of the Department show the following marketings for these three companies for the years indicated:

Processor	Short tons, raw value		
	1935	1936	1937
Central Carmen	------	264	------
Central Igualdad	163	438	52
Central San Francisco	2,463	2,590	1,981

It is deemed desirable to reserve 5,712 short tons of sugar to be set aside for persons who bring in raw sugar from Puerto Rico for direct-consumption purposes, which amount represents the average quantity of such sugar brought in during the years 1935–1937, inclusive. It is not practicable to allot this quantity of sugar to individual processors, inasmuch as it would have to be allotted to 34 raw sugar processors, thereby rendering it impossible to make an efficient allotment as required by the act. An allotment would require continental purchasers of raw sugar for direct consumption to deal with a large number of sellers in order to obtain their requirements. Such disruption of customary trade practices could not reasonably be said to be an efficient distribution of this kind of sugar as required by the act.

On March 30, 1938, the Secretary issued Puerto Rico Sugar Order No. 9 containing allotments identical with those made in this Order but without the issuance of a statement of the facts and grounds for his decision. It is, therefore, deemed advisable to reissue the Order with a full statement of the facts and grounds for the allotments hereinafter made.

On the basis of the record of the hearing and official records of the Department of Agriculture used to the extent hereinbefore stated, I hereby find:

1. That the Puerto Rican processors of direct-consumption sugar are equipped to produce 401,500 tons of such sugar during the calendar year 1938.

2. That the present plant capacity of each Puerto Rican processor of direct-consumption sugar is as follows:

Processor:	*Rated Refining Capacity Per Annum—300-Day Basis*
Porto Rico American Sugar Refinery	210,000
Central Aguirre	8,500
Central Carmen	500
Central Guanica	50,000
Central Igualdad	67,500
Central Roig	60,000
Central San Francisco	5,000
	401,500

3. That shipments of direct-consumption sugar from Puerto Rico to the continental United States between January 1, 1938, and March 22, 1938, were as follows:

Processor:	*Short Tons*
Porto Rico American Sugar Refinery	46,866
Central Aguirre	1,970
Central Carmen	------
Central Guanica	------
Central Igualdad	1,124
Central Roig	8,070
Central San Francisco	795

4. That during the years 1935, 1936, and 1937, Puerto Rican processors shipped direct-consumption sugar to the continental United States in the following amounts:

	Puerto Rican direct-consumption entries (refined and turbinado) into the U. S. (in terms of short tons, raw value)		
	1935	1936	1937
Porto Rico American Sugar Refinery	116,611	109,945	97,498
Central Aguirre	2,719	2,496	5,767
Central Carmen	------	264	------
Central Guanica	1,015	------	------
Central Igualdad	163	438	52
Central Roig	------	2,778	16,204
Central San Francisco	2,463	2,590	1,981
	122,971	118,511	121,503

On the basis of the foregoing, I hereby determine and conclude that the allotment of that portion of the 1938 Puerto Rican sugar quota which may be filled by shipments of direct-consumption sugar is necessary in order to prevent disorderly marketing of sugar, and that in order to make a fair, efficient, and equitable distribution of such sugar, as required by section 205 (a) of the act, allotments should be made by giving equal weight to past marketings during the years 1935, 1936, and 1937, and ability to market as measured by present plant capacity and actual marketings of direct-consumption sugar between January 1, 1938, and March 22, 1938.

ORDER

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

1. That the said quantity of 126,033 short tons, raw value, of direct-consumption sugar shall be allotted to the following

[1] The figures are substantially correct, although somewhat at variance with the official statistics of the Department. However, the differences are small, as will be shown by comparison with the official figures hereinafter set forth in the Findings of Fact. In calculating past marketings, the figures used are those taken from the official statistics of the Department, collected in the manner stated in footnote 2, supra. The use of the official statistics instead of figures contained in the record gives no important differences in result.

[2] Footnote 1 is applicable to this figure.

processors in the amounts which appear opposite their respective names:

Name of processor:	*Direct-consumption allotment (short tons, raw value)*
Porto Rico American Sugar Refinery	93,406
Aguirre	3,464
Carmen	81
Guanica	3,914
Igualdad	5,741
Roig	11,768
San Francisco	1,947
	120,321
Unallotted reserve for marketings of raw sugar for direct consumption	5,712
Total	126,033

2. That the above-named processors are hereby prohibited from bringing into the continental United States, for consumption during the calendar year 1938, any direct-consumption sugar (except the above-mentioned amount of raw sugar used for direct consumption) from Puerto Rico in excess of the marketing allotments set forth in the next preceding paragraph.

3. That the allotments fixed herein shall not be assigned or transferred without the approval of the Secretary of Agriculture or his duly appointed agent.

4. That this Order shall supersede Puerto Rico Sugar Order No. 9, issued by the Secretary on March 30, 1938.[1]

In testimony whereof, M. L. Wilson, Acting Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 19th day of April, 1938.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 38-1120; Filed, April 19, 1938; 12:50 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

ADOPTION OF RULE RELATIVE TO SALE OF PUBLIC UTILITY SECURITIES AND UTILITY ASSETS BY REGISTERED HOLDING COMPANIES

Acting pursuant to the authority conferred upon it by sections 12 (d), 20 (a) and 27 (a) of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission deems it necessary and appropriate in the public interest and for the protection of investors and consumers, and to prevent the circumvention of the provisions of the Act, to adopt, and does hereby adopt a rule which shall be known as 12D-1 and shall read as follows:

RULE 12D-1. *Sale of public utility securities and utility assets by registered holding companies.*—(a) No registered holding company shall, directly or indirectly, sell any security which it owns of any public-utility company, or any utility assets except upon application to the Commission and in compliance with an order of the Commission entered after opportunity for hearing upon such application.

(b) An application with respect to a sale of securities subject to this rule shall set forth the information prescribed in Form U12D-1. An application with respect to a sale of utility assets subject to this rule shall set forth the information prescribed in Form U12D-2.

(c) The Commission, after opportunity for hearing, shall approve such application if it finds that the terms and conditions of such sale with respect to the consideration to be received for such sale, maintenance of competitive conditions, fees and commissions, accounts, disclosure of interest, and similar matters, are not detrimental to the public interest or the interest of investors or consumers, and will not tend to circumvent the provisions of the Act or any rules, regulations or orders of the Commission thereunder.

[1] 3 F. R. 779 (DI).

(d) Paragraph (a) of this rule shall not apply to:

(1) The sale of any prime commercial paper or other security which has been acquired by the company making such sale pursuant to paragraph (2) of Rule 9C-3;

(2) The pledge of any security as collateral for any other security issued by the pledgor if such pledge is made at the time of the issuance or sale of such other security by the pledgor: *Provided*, That such pledge has been disclosed in a declaration or application filed with the Commission in connection with the issuance or sale of such other security or that the issuance and sale of such other security is exempt under the first sentence of section 6 (b);

(3) The sale of any security of any public-utility company which does not operate or have any subsidiary company which operates in the United States;

(4) The sale of any security, the seller of which, prior to such sale, owns less than 5 percent of the class of securities so sold;

(5) The sale of any security if the consideration for such sale and all prior sales of securities of the same class during the same calendar year aggregates less than $50,000 and;

(A) The security so sold is not a security of an associate company; or

(B) The security so sold is not a voting security or a security convertible into a voting security.

(e) Paragraph (a) of this rule shall not apply to the sale of any utility assets where the gross consideration, or book value of such assets, whichever is the greater, is less than $50,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1105; Filed, April 18, 1938; 1:02 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of April, A. D., 1938.

[File Nos. 55-1, 55-2]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE, UTILITIES POWER & LIGHT CORPORATION AND CENTRAL SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935, and of Rule 11F-2 thereunder, having been duly filed with this Commission by Central Service Corporation for approval by the Commission of the amount to be paid for services to be rendered to the Trustee of the Estate of Utilities Power & Light Corporation, a registered holding company, now being reorganized under section 77B of the Bankruptcy Act;

It is ordered, That a hearing on such matter be held on April 25, 1938, at 10:00 o'clock in the forenoon of that day, at the offices of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois. On such day the Regional Administrator, at the above mentioned address, will advise as to the room where such hearing will be held;

It is further ordered, That Commissioner George C. Mathews, a member of the Securities and Exchange Commission, and Henry Fitts, an officer of the Commission, be and they hereby are designated by said Commission for the purpose of presiding at the hearing in such matter. Such Commissioner, or such officer, so designated to preside at such hearing, or either of them, are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing

from time to time or to a date thereafter to be fixed by such presiding officer;

It is further ordered, That the Commission's order of April 13, 1938[1] be and the same hereby is amended to the extent of additionally designating the said Commissioner George C. Mathews to preside at the hearing on the application of Charles True Adams, Trustee, Utilities Power & Light Corporation;

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 22, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1107; Filed, April 18, 1938; 1:03 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of April, 1938.

[File No. 1-957]

IN THE MATTER OF MARKET STREET RAILWAY COMPANY COMMON STOCK, $100 PAR VALUE, 6% CUMULATIVE PRIOR PREFERENCE STOCK, $100 PAR VALUE, 6% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE, AND 6% NON-CUMULATIVE SECOND PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Market Street Railway Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $100 Par Value, 6% Cumulative Prior Preference Stock, $100 Par Value, 6% Cumulative Preferred Stock, $100 Par Value, and 6% Non-Cumulative Second Preferred Stock, $100 Par Value, from listing and registration on the San Francisco Stock Exchange; and

After appropriate notice,[2] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on June 12, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1106; Filed, April 18, 1938; 1:03 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of April, 1938.

[File No. 1-2816]

IN THE MATTER OF LIMA CORD SOLE AND HEEL CORPORATION COMMON STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Lima Cord Sole and Heel Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value, from listing and registration on the Cleveland Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 o'clock A. M., on Wednesday, May 4, 1938, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1104; Filed, April 18, 1938; 1:02 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of April, A. D. 1938.

[File No. 37-22]

IN THE MATTER OF COLUMBIA ENGINEERING CORPORATION

ORDER IN RE DECLARATION

Columbia Engineering Corporation having filed a declaration pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935, and Rule 13-22 thereunder, with respect to the organization and conduct of its business as a subsidiary service company of, and rendering services to the holding company system of, Columbia Gas and Electric Corporation, a registered holding company; the proposed services including: General Executive, Administrative and Financial; Accounting; Statistical; Corporate; Tax; Purchasing; Insurance; Auditing; Commercial and General Sales; Rate; Construction Budget, Automotive and Safety; Engineering; and Stationery and Addressing; as stated in the contract with associates set out as an exhibit to the declaration; such declaration having been amended; a hearing thereon having been held after appropriate notice;[1] the record in this matter having been examined; and the Commission having made its findings herein;

It is found that the declarant is so organized and conducted, or will be conducted, as to meet the requirements of Section 13 (b) with respect to reasonable assurance of efficient and economical performance of services for the benefit of its associate companies at cost fairly and equitably allocated among them.

No finding is made with respect to the rendering of any services differing materially from those described by said amended declaration as the services which declarant intends presently to render.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1115; Filed, April 19, 1938; 12:42 p. m.]

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[1] 3 F. R. 890 (DI).
[2] 3 F. R. 79 (DI).

[1] 3 F. R. 443 (DI).

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of April, A. D. 1938.

[File No. 7-181]

IN THE MATTER OF NASH-KELVINATOR CORPORATION CAPITAL STOCK, $5 PAR VALUE

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Detroit Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for the extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of Nash-Kelvinator Corporation; and

After appropriate notice,[1] a hearing having been held in this matter and the Commission having this day made and filed its opinion and findings of fact herein;

It is ordered, That the application of the Detroit Stock Exchange pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for the extension of unlisted trading privileges to the Capital Stock, $5 Par Value, of Nash-Kelvinator Corporation be and the same is hereby granted in respect of trading in such security.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1116; Filed, April 19, 1938; 12:43 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1938.

[File No. 46-97]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by The Middle West Corporation, a registered holding company, for approval of the acquisition by it of not to exceed 20,000 shares of the preferred stock without par value of Central Illinois Public Service Company, said purchases to be made on the open market, and it being stated that said Central Illinois Public Service Company is a subsidiary company of applicant;

It is ordered, That a hearing on such matter be held on May 9, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 4, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1114; Filed, April 19, 1938; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of April, 1938.

[File No. 10-24-1]

IN THE MATTER OF MINNEAPOLIS-ST. PAUL STOCK EXCHANGE

ORDER AMENDING CONDITION (5) OF ORDER GRANTING EXEMPTION OF SAID EXCHANGE FROM REGISTRATION AS A NATIONAL SECURITIES EXCHANGE

The Minneapolis-St. Paul Stock Exchange, upon application having been granted exemption from registration as a national securities exchange pursuant to Section 5 of the Securities Exchange Act of 1934, subject, however, to certain conditions; and

Condition (5) of the order granting said exemption having prohibited said exchange from admitting any security to unlisted trading privileges after February 1, 1936; and

It being the opinion of the Commission that it is necessary and appropriate in the public interest and for the protection of investors to make provision for the admission of securities to unlisted trading privileges on said Exchange in the same manner in which securities may be admitted to unlisted trading privileges on exchanges registered as national securities exchanges;

It is ordered, That said Condition (5) be amended to read as follows:

(5) (a) that after January 15, 1938, said exchange shall not extend unlisted trading privileges to a security unless, in respect of such security, the requirements prescribed for the extension of unlisted trading privileges pursuant to the provisions of Section 12 (f) of said Act, as amended, and the rules and regulations prescribed thereunder are complied with by said Exchange as if it were a national securities exchange; and

(b) that with respect to the suspension or termination of unlisted trading privileges in a security, the provisions of Section 12 (f) of said Act, as amended, and the rules and regulations prescribed thereunder, shall be complied with by said Exchange as if it were a national securities exchange.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1119; Filed, April 19, 1938; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of April, 1938.

[File No. 10-41-1]

IN THE MATTER OF SEATTLE STOCK EXCHANGE

ORDER AMENDING CONDITIONS (5) OF ORDER GRANTING EXEMPTION OF SAID EXCHANGE FROM REGISTRATION AS A NATIONAL SECURITIES EXCHANGE

The Seattle Stock Exchange, upon application having been granted exemption from registration as a national securities

[1] 2 F. R. 1570 (DI).

exchange pursuant to Section 5 of the Securities Exchange Act of 1934, subject, however, to certain conditions; and

Condition (5) of the order granting said exemption having prohibited said exchange from admitting any security to unlisted trading privileges after February 1, 1936; and

It being the opinion of the Commission that it is necessary and appropriate in the public interest and for the protection of investors to make provision for the admission of securities to unlisted trading privileges on said Exchange in the same manner in which securities may be admitted to unlisted trading privileges on exchanges registered as national securities exchanges;

It is ordered, That said Condition (5) be amended to read as follows:

(5) (a) that after January 15, 1938, said exchange shall not extend unlisted trading privileges to a security unless, in respect of such security, the requirements prescribed for the extension of unlisted trading privileges pursuant to the provisions of Section 12 (f) of said Act, as amended, and the rules and regulations prescribed thereunder are complied with by said Exchange as if it were a national securities exchange; and

(b) that with respect to the suspension or termination of unlisted trading privileges in a security, the provisions of Section 12 (f) of said Act, as amended, and the rules and regulations prescribed thereunder, shall be complied with by said Exchange as if it were a national securities exchange.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1118; Filed, April 19, 1938; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of April, 1938.

[File No. 10-44-1]

IN THE MATTER OF WHEELING STOCK EXCHANGE

ORDER AMENDING CONDITION (5) OF ORDER GRANTING EXEMPTION OF SAID EXCHANGE FROM REGISTRATION AS A NATIONAL SECURITIES EXCHANGE

The Wheeling Stock Exchange, upon application having been granted exemption from registration as a national securities exchange pursuant to Section 5 of the Securities Exchange Act of 1934, subject, however, to certain conditions; and

Condition (5) of the order granting said exemption having prohibited said exchange from admitting any security to unlisted trading privileges after February 1, 1936; and

It being the opinion of the Commission that it is necessary and appropriate in the public interest and for the protection of investors to make provision for the admission of securities to unlisted trading privileges on said Exchange in the same manner in which securities may be admitted to unlisted trading privileges on exchanges registered as national securities exchanges;

It is ordered, That said Condition (5) be amended to read as follows:

(5) (a) that after January 15, 1938, said exchange shall not extend unlisted trading privileges to a security unless, in respect of such security, the requirements prescribed for the extension of unlisted trading privileges pursuant to the provisions of Section 12 (f) of said Act, as amended, and the rules and regulations prescribed thereunder are complied with by said Exchange as if it were a national securities exchange; and

(b) that with respect to the suspension or termination of unlisted trading privileges in a security, the provisions of Section 12 (f) of said Act, as amended, and the rules and regulations prescribed thereunder, shall be complied with by said Exchange as if it were a national securities exchange.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1117; Filed, April 19, 1938; 12:42 p. m.]